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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,524	11/28/2000	Minoru Yamamoto	1095.1146/JDH	5988

21171 7590 05/24/2004

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EXAMINER

EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/722,524

Applicant(s)

YAMAMOTO ET AL.

Examiner

Bradley Edelman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a first Office action on the merits of this application. Claims 1-7 are presented for examination.

#### ***Specification***

The title of the invention ("Data processing system") is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 1, the phrase "such a member" on line 8 of the claim lacks sufficient antecedent basis. There is no "member" mentioned prior to the phrase, and thus it is unclear as to what member "such a member" refers.

In further considering claim 1, the phrase "the requested resource" on line 19 of the claim also lacks sufficient antecedent basis. It is not clear of "the requested resource" refers to the group of requested resources, or a member resource previously mentioned in the claim.

Claims 2-6 depend from claim 1, and are thus rejected as well.

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Claim 7 contains the same language as claim 1 and is thus ambiguous for the same reasons (see line 10 and line 21 of claim 7).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Golub et al. (U.S. Patent No. 5,794,035, hereinafter "Golub").

Regarding claim 1, Examiner has interpreted the term "such a member resource" as meaning simply "a member resource." Examiner has interpreted the term "the requested resource" as meaning "the detected member."

In considering claim 1, Golub discloses a data processing system which allocates necessary resources to requesting clients, comprising:

Grouping means for defining groups of resources (col. 7, lines 7-10, "creation of an active instance of Group 200");

Group management means for managing the groups defined by said grouping means ("Hardware Resource Manager (HRM)"; col. 7, lines 21-22);

Detection means, responsive to a request from a client that demands a specific group of resources ("a client requests a set of resources," col. 7, line 34), for detecting a

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member resource of the requested group that is currently used by any other client  
("determine if another client is currently accessing these resources," col. 7, lines 35-36);

Determination means for determining, if said detection means has detected a  
member resource in use, whether the detected member resource is to be modified  
("inquire as to whether and when the other client can yield the resources," col. 7, lines  
38-39); and

Permission means for permitting the requesting client to make access to the  
requested group of resources if said detection means finds that none of the member  
resources of the requested group are being used by any other client ("if [another client  
is] not [currently accessing these Resources], the HRM directly grants the Resources to  
the requesting client," col. 7, lines 35-37), or if said determination means finds that  
neither the client using the detected member nor the requesting client intends to modify  
the detected member resource in use (col. 7, lines 39-42, "inquire as to whether and  
when the other client can yield the Resources. The result determines if the requesting  
client can access the Resources or if the requesting client must wait until the original  
client is willing to yield the Resources").

In considering claim 7, claim 7 presents a computer readable medium storing a  
program for performing the same steps performed by the system of claim 1. Therefore,  
claim 7 is rejected for the same reasons as claim 1.

In considering claim 2, Golub further discloses allocation right memory means for storing information about whether each client has a right to be allocated a group, wherein the permission means examines the information stored in said allocation right memory means and rejects the request if the requesting client has no right to be allocated a group (col. 7, lines 4-27, wherein the group access information is stored in a database, and access is granted to a client only if it is a member of the group).

In considering claim 6, Golub further discloses that the detection and determination means operate on a group-by-group basis (col. 5, line 32, "allowing several physical resources to be grouped together").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golub.

In considering claim 4, although the system taught by Golub discloses substantial features of the claimed invention, it fails to disclose that member resources can be added to or removed from an existing group. Nonetheless, including this feature would

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have been obvious to a person having ordinary skill in the art, in order to provide a more flexible system to allow for system updates and other changes.

In considering claim 5, although the system taught by Golub discloses substantial features of the claimed invention, it fails to disclose managing a time period of each group such that the group is removed after expiration of the time period. Nonetheless, it is well known to use time periods on computer systems to end certain processes. Thus, it would have been obvious to remove the group in the system taught by Golub after a time period expiration so that resources that become outdated or stale are not offered for access to clients.

***Allowable Subject Matter***

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if all of the 35 USC 112 issues were overcome.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose the group access system claimed, wherein information is stored about whether each client has a right to define a new group, and the information is examined to determine whether to reject requests.

**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
FRANTZ B. JEAN  
PRIMARY EXAMINER

BE  
May 17, 2004